

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 296
92ND GENERAL ASSEMBLY

Reported from the Committee on Special Committee on General Laws, April 8, 2003, with recommendation that the House Committee Substitute for Senate Committee Substitute for Senate Bill No. 296 Do Pass.

STEPHEN S. DAVIS, Chief Clerk

1130L.04C

AN ACT

To repeal sections 161.092, 168.021, and 168.071, RSMo, and to enact in lieu thereof three new sections relating to educational standards.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 161.092, 168.021, and 168.071, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 161.092, 168.021, and 168.071, to read as follows:

161.092. The state board of education shall:

(1) Adopt rules governing its own proceedings and formulate policies for the guidance of the commissioner of education and the department of elementary and secondary education;

(2) Carry out the educational policies of the state relating to public schools that are provided by law and supervise instruction in the public schools;

(3) Direct the investment of all moneys received by the state to be applied to the capital of any permanent fund established for the support of public education within the jurisdiction of the department of elementary and secondary education and see that the funds are applied to the branches of educational interest of the state that by grant, gift, devise or law they were originally intended, and if necessary institute suit for and collect the funds and return them to their legitimate channels;

(4) Cause to be assembled information which will reflect continuously the condition and management of the public schools of the state;

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

14 (5) Require of county clerks or treasurers, boards of education or other school officers,
15 recorders and treasurers of cities, towns and villages, copies of all records required to be made
16 by them and all other information in relation to the funds and condition of schools and the
17 management thereof that is deemed necessary;

18 (6) Provide blanks suitable for use by officials in reporting the information required by
19 the board;

20 (7) When conditions demand, cause the laws relating to schools to be published in a
21 separate volume, with pertinent notes and comments, for the guidance of those charged with the
22 execution of the laws;

23 (8) Grant, without fee **except as provided in section 168.021, RSMo**, certificates of
24 qualification and licenses to teach in any of the public schools of the state, establish requirements
25 therefor, formulate regulations governing the issuance thereof, [including, upon an appropriate
26 background check, provisional certification to a person who holds a valid teaching certificate
27 from another state and has five years of teaching experience in the same school district in the
28 curriculum area and approximate grade level in another state, providing for full certification upon
29 the satisfactory completion of five years of teaching in Missouri public schools,] and cause the
30 certificates to be revoked for the reasons and in the manner provided in section 168.071, RSMo;

31 (9) Classify the public schools of the state, subject to limitations provided by law,
32 establish requirements for the schools of each class, and formulate rules governing the inspection
33 and accreditation of schools preparatory to classification, **with such requirements taking effect**
34 **not less than two years from the date of adoption of the proposed rule by the state board**
35 **of education, provided that this condition shall not apply to any requirement for which a**
36 **timeline for adoption is mandated in either federal or state law;**

37 (10) Make an annual report on or before the first Wednesday after the first day of January
38 to the general assembly or, when it is not in session, to the governor for publication and
39 transmission to the general assembly. The report shall be for the last preceding school year, and
40 shall include:

41 (a) A statement of the number of public schools in the state, the number of pupils
42 attending the schools, their sex, and the branches taught;

43 (b) A statement of the number of teachers employed, their sex, their professional
44 training, and their average salary;

45 (c) A statement of the receipts and disbursements of public school funds of every
46 description, their sources, and the purposes for which they were disbursed;

47 (d) Suggestions for the improvement of public schools; and

48 (e) Any other information relative to the educational interests of the state that the law
49 requires or the board deems important;

50 (11) Make an annual report to the general assembly and the governor concerning
51 coordination with other agencies and departments of government that support family literacy
52 programs and other services which influence educational attainment of children of all ages;

53 (12) Require from the chief officer of each division of the department of elementary and
54 secondary education, on or before the thirty-first day of August of each year, reports containing
55 information the board deems important and desires for publication;

56 (13) Cause fifty copies of its annual report to be reserved for the use of each division of
57 the state department of elementary and secondary education, and ten copies for preservation in
58 the state library;

59 (14) Have other powers and duties prescribed by law.

168.021. 1. Certificates of license to teach in the public schools of the state shall be
2 granted as follows:

3 (1) By the state board, under rules and regulations prescribed by it,

4 (a) Upon the basis of college credit;

5 (b) Upon the basis of examination;

6 (2) By the state board, under rules and regulations prescribed by the state board with
7 advice from the advisory council established by section 168.015 to any individual who presents
8 to the state board a valid [doctor of philosophy] **doctoral** degree from an accredited institution
9 of higher education accredited by a regional accrediting association such as North Central
10 Association. Such certificate shall be limited to the major area of postgraduate study of the
11 holder, shall be issued only after successful completion of the examination required for
12 graduation pursuant to [section 168.033 if appropriate] **rules adopted by the state board of**
13 **education**, and shall be restricted to those certificates established pursuant to [subdivisions (1)
14 and (2)] **subdivision (1)** of subsection [4] **3** of this section; or

15 (3) By the state board, which shall issue the professional certificate classification in both
16 the general and specialized areas most closely aligned with the current areas of certification
17 approved by the state board, commensurate with the years of teaching experience of the
18 applicant, and based upon the following criteria:

19 (a) Recommendation of a state-approved baccalaureate-level teacher preparation
20 program;

21 (b) Successful attainment of the Missouri qualifying score on the exit assessment for
22 teachers or administrators designated by the state board of education. Applicants who have not
23 successfully achieved a qualifying score on the designated examinations will be issued a
24 two-year nonrenewable provisional certificate; and

25 (c) Upon completion of a background check and possession of a valid teaching certificate
26 in the state from which the applicant's teacher preparation program was completed.

27 2. All valid teaching certificates issued pursuant to law or state board policies and
28 regulations prior to September 1, 1988, shall **be exempt from the professional development**
29 **requirements of this section and shall** continue in effect until they expire, are revoked or
30 suspended, as provided by law. When such certificates are required to be renewed, the state
31 board or its designee shall grant to each holder of such a certificate the certificate most nearly
32 equivalent to the one so held. **Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II,**
33 **or continuous professional certificate shall, upon expiration of their current certificate, be**
34 **issued the appropriate level of certificate based upon the classification system established**
35 **pursuant to subsection 3 of this section.**

36 3. [Any teacher holding a third class county certificate in the state during the 1972-73
37 school year shall upon his written request be given an examination by a person designated by the
38 state commissioner of education to determine his eligibility to be granted a certificate of license
39 to teach. The examination shall be comparable to those given by county superintendents to
40 eligible applicants prior to July 1, 1974. Upon successful completion of the examination the
41 applicant shall be issued a certificate by the state board of education entitling the holder to teach
42 in the public schools of the state for a period of three years. A request for such examination must
43 be presented to the commissioner of education on or before March first of the year in which the
44 examination is to be administered. The commissioner of education shall cause the examination
45 to be administered and the certificate issued to those successfully completing it prior to April
46 first of the year in which the application for the examination was received.

47 4. After September 1, 1988,] Certificates of license to teach in the public schools of the
48 state shall be based upon minimum requirements prescribed by the state board of education
49 [which]. **The state board shall provide for the following levels of professional certification**
50 **[including, but not limited to,]: an initial professional certificate and [culminating with] a career**
51 **continuous professional certificate[:].**

52 (1) The initial professional certificate shall be issued upon completion of requirements
53 established by the state board of education and shall be valid based upon verification of actual
54 teaching within a specified time period established by the state board of education[:]. **The state**
55 **board shall require holders of the four year initial professional certificate to:**

56 (a) **Participate in a mentoring program approved and provided by the district for**
57 **a minimum of two years;**

58 (b) **Complete thirty contact hours of professional development, which may include**
59 **hours spent in class in an appropriate college curriculum; and**

60 (c) **Participate in a beginning teacher assistance program;**

61 (2) [One or more levels of renewable professional certificates shall be issued upon
62 verification of completion of criteria established by the state board of education;

63 (3)] The **career** continuous professional certificate shall be issued upon verification of
64 completion of [criteria, which shall not exceed a master's degree or its equivalent and ten years'
65 employment in an educational position, established by the state board of education] **four years**
66 **of teaching under the initial professional certificate and upon verification of the completion**
67 **of the requirements articulated in paragraphs (a), (b), and (c) of subdivision (1) of this**
68 **subsection.** The **career** continuous professional certificate shall be continuous based upon
69 verification of actual employment in an educational position as provided for in state board
70 guidelines **and completion of fifteen contact hours of professional development per year**
71 **which may include hours spent in class in an appropriate college curriculum. Should the**
72 **possessor of a valid career continuous professional certificate fail, in any given year, to**
73 **meet the fifteen-hour professional development requirement, the possessor may, within two**
74 **years, make up the missing hours. In order to make up for missing hours, the possessor**
75 **must first complete the fifteen-hour requirement for the current year and then may count**
76 **hours in excess of the current year requirement as make-up hours. Should the possessor**
77 **fail to make up the missing hours within two years, the certificate shall become inactive.**
78 **In order to reactivate the certificate, the possessor must complete twenty-four contact**
79 **hours of professional development within the six months prior to or after reactivating his**
80 **or her certificate.**

81 [5.] 4. Policies and procedures shall be established by which a teacher who was not
82 retained due to a reduction in force may retain the current level of certification. There shall also
83 be established policies and procedures [for] **allowing** a teacher who has not been employed in
84 an educational position for three years or more [for reasons other than reduction in force] **to**
85 **reactivate his or her last level of certification by completing twenty-four contact hours of**
86 **professional development within the six months prior to or after reactivating his or her**
87 **certificate.**

88 [6.] 5. The state board shall, **upon an appropriate background check, issue a**
89 **professional certificate classification in the areas most closely aligned with an applicant's**
90 **current areas of certification, commensurate with the years of teaching experience of the**
91 **applicant, to any person who is hired to teach in a public school in this state and who**
92 **possesses a valid teaching certificate from another state, provided that the certificate**
93 **holder shall annually complete the state board's requirements for such level of**
94 **certification, and shall** establish policies by which residents of states other than the state of
95 Missouri may be assessed a fee for a certificate license to teach in the public schools of Missouri.
96 Such fee shall be in an amount sufficient to recover any or all costs associated with the issuing
97 of a certificate of license to teach.

98 **6. The state board may assess to holders of an initial professional certificate a fee**

99 **for the issuance of the career continuous professional certificate. However, such fee shall**
100 **not exceed the combined costs of issuance and any criminal background check required**
101 **as a condition of issuance.**

102 7. Any member of the public school retirement system of Missouri who entered covered
103 employment with ten or more years of educational experience in another state or states and held
104 a certificate issued by another state and subsequently worked in a school district covered by the
105 public school retirement system of Missouri for ten or more years who later became certificated
106 in Missouri shall have that certificate dated back to his or her original date of employment in a
107 Missouri public school.

168.071. 1. The state board of education may refuse to issue or renew a certificate, or
2 may, upon hearing, discipline the holder of a certificate of license to teach for the following
3 causes:

4 (1) A certificate holder or applicant for a certificate has pleaded to or been found guilty
5 of a felony or crime involving moral turpitude under the laws of this state, any other state, of the
6 United States, or any other country, whether or not sentence is imposed;

7 (2) The certification was obtained through use of fraud, deception, misrepresentation or
8 bribery;

9 (3) There is evidence of incompetence, immorality, or neglect of duty by the certificate
10 holder;

11 (4) A certificate holder has been subject to disciplinary action relating to certification
12 issued by another state, territory, federal agency, or country upon grounds for which discipline
13 is authorized in this section; or

14 (5) If charges are filed by the local board of education, based upon the annulling of a
15 written contract with the local board of education, for reasons other than election to the general
16 assembly, without the consent of the majority of the members of the board that is a party to the
17 contract.

18 2. A public school district may file charges seeking the discipline of a holder of a
19 certificate of license to teach based upon any cause or combination of causes outlined in
20 subsection 1 of this section, including annulment of a written contract. Charges shall be in
21 writing, specify the basis for the charges, and be signed by the chief administrative officer of the
22 district, or by the president of the board of education as authorized by a majority of the board of
23 education. The board of education may also petition the office of the attorney general to file
24 charges on behalf of the school district for any cause other than annulment of contract, with
25 acceptance of the petition at the discretion of the attorney general.

26 3. The department of elementary and secondary education may file charges seeking the
27 discipline of a holder of a certificate of license to teach based upon any cause or combination of

28 causes outlined in subsection 1 of this section, other than annulment of contract. Charges shall
29 be in writing, specify the basis for the charges, and be signed by legal counsel representing the
30 department of elementary and secondary education.

31 4. If the underlying conduct or actions which are the basis for charges filed pursuant to
32 this section are also the subject of a pending criminal charge against the person holding such
33 certificate, the certificate holder may request, in writing, a delayed hearing on advice of counsel
34 under the fifth amendment of the Constitution of the United States. Based upon such a request,
35 no hearing shall be held until after a trial has been completed on this criminal charge.

36 5. The certificate holder shall be given not less than thirty days' notice of any hearing
37 held pursuant to this section.

38 6. Other provisions of this section notwithstanding, the certificate of license to teach
39 shall be revoked or, in the case of an applicant, a certificate shall not be issued, if the certificate
40 holder or applicant has pleaded guilty to or been found guilty of any of the following offenses
41 established pursuant to Missouri law or offenses of a similar nature established under the laws
42 of any other state or of the United States, or any other country, whether or not the sentence is
43 imposed:

44 (1) Any dangerous felony as defined in section 556.061, RSMo, or murder in the first
45 degree;

46 (2) Any of the following sexual offenses: rape; statutory rape in the first degree;
47 statutory rape in the second degree; sexual assault; forcible sodomy; statutory sodomy in the first
48 degree; statutory sodomy in the second degree; child molestation in the first degree; child
49 molestation in the second degree; deviate sexual assault; sexual misconduct involving a child;
50 sexual misconduct in the first degree; [or] sexual abuse; **enticement of a child; or attempting**
51 **to entice a child;**

52 (3) Any of the following offenses against the family and related offenses: incest;
53 abandonment of child in the first degree; abandonment of child in the second degree;
54 endangering the welfare of a child in the first degree; abuse of a child; child used in a sexual
55 performance; promoting sexual performance by a child; or trafficking in children; and

56 (4) Any of the following offenses involving child pornography and related offenses:
57 promoting obscenity in the first degree; promoting obscenity in the second degree when the
58 penalty is enhanced to a class D felony; promoting child pornography in the first degree;
59 promoting child pornography in the second degree; possession of child pornography in the first
60 degree; possession of child pornography in the second degree; furnishing child pornography to
61 a minor; furnishing pornographic materials to minors; or coercing acceptance of obscene
62 material.

63 7. The certificate holder whose certificate was revoked pursuant to subsection 6 of this

64 section may appeal such revocation to the state board of education. Notice of this appeal must
65 be received by the commissioner of education within ninety days of notice of revocation pursuant
66 to this subsection. Failure of the certificate holder to notify the commissioner of the intent to
67 appeal waives all rights to appeal the revocation. Upon notice of the certificate holder's intent
68 to appeal, an appeal hearing shall be held by a hearing officer designated by the commissioner
69 of education, with the final decision made by the state board of education, based upon the record
70 of that hearing. The certificate holder shall be given not less than thirty days' notice of the
71 hearing, and an opportunity to be heard by the hearing officer, together with witnesses.

72 8. In the case of any certificate holder who has surrendered or failed to renew his or her
73 certificate of license to teach, the state board of education may refuse to issue or renew, or may
74 suspend or revoke, such certificate for any of the reasons contained in this section.

75 9. In those cases where the charges filed pursuant to this section are based upon an
76 allegation of misconduct involving a minor child, the hearing officer may accept into the record
77 the sworn testimony of the minor child relating to the misconduct received in any court or
78 administrative hearing.

79 10. Hearings, appeals or other matters involving certificate holders, licensees or
80 applicants pursuant to this section may be informally resolved by consent agreement or agreed
81 settlement or voluntary surrender of the certificate of license pursuant to the rules promulgated
82 by the state board of education.

83 11. The final decision of the state board of education is subject to judicial review
84 pursuant to sections 536.100 to 536.140, RSMo.

85 12. A certificate of license to teach to an individual who has been convicted of a felony
86 or crime involving moral turpitude, whether or not sentence is imposed, shall be issued only
87 upon motion of the state board of education adopted by a unanimous affirmative vote of those
88 members present and voting.